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## STATUTORY INSTRUMENTS

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**2006 No. 17**

### **ROAD TRAFFIC**

#### **The Community Drivers' Hours and Working Time (Road Tankers) (Temporary Exception) Regulations 2006**

<i>Made</i>	- - - -	<i>9th January 2006</i>
<i>Laid before Parliament</i>		<i>11th January 2006</i>
<i>Coming into force</i>	- -	<i>12th January 2006</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 <sup>F1</sup>.

He has been designated <sup>F2</sup> for the purposes of section 2(2) in relation to the regulation and supervision of working conditions of persons engaged in road transport and to measures relating to the organisation of working time.

**F1** [1972 c. 68.](#)

**F2** [S.I.1975/1707](#)[and [1997/1174](#)].

1. These Regulations may be cited as the Community Drivers' Hours and Working Time (Road Tankers) (Temporary Exception) Regulations 2005 and shall come into force on 12th. January 2006.

2. In these Regulations—

“ADR” means the provisions which came into effect on 1st January 2005 concerning the international carriage of dangerous goods by road which—

- (a) form Annexes A and B to the European Agreement Concerning the International Carriage of Dangerous Goods by Road (version applicable as from 1st January 2005) <sup>F3</sup>; and
- (b) are contained in Annexes A and B to Council Directive [94/55/EC](#), as amended, of 21st November 1994 on the approximation of the laws of Member States with regard to the transport of dangerous goods by road <sup>F4</sup>;

“the circumstances” means the exceptional circumstances occasioned by the fire at Buncefield fuel depot in Hertfordshire which began on 11th December 2005 and includes the effects or consequences of such exceptional circumstances;

“class 3 goods” shall be construed in accordance with sub-section 2.2.3.1.1 of ADR;

“road” means a road in Great Britain within the meaning of section 142 of the Road Traffic Regulation Act 1984 <sup>F5</sup>;

“road tanker” means a tank-vehicle which is being used for the carriage of class 3 goods by road;

“tank vehicle” has the meaning in section 1.2.1 of ADR; and

references to the driving of a road tanker or the operation of a road tanker are to such driving or operation between the date of commencement of these Regulations and the end of [<sup>F6</sup>12th March 2006].

**F3** Current edition (2005): ISBN 92-1-139097-4 and corrigendum 1 (December 2004)

**F4** OJ No.L319, 12.12.94, p7.

**F5** 1984 c. 27. The definition of “road” in section 142 was substituted by the [New Roads and Street Works Act 1991 \(c. 22\)](#), section 168(1) and Schedule 8, paragraph 78(1) and (4).

**F6** Words in reg. 2 substituted (11.2.2006) by [The Community Drivers' Hours and Working Time \(Road Tankers\) \(Temporary Exception\) \(Amendment\) Regulations 2006 \(S.I. 2006/244\)](#), regs. 1, **2(2)**

**3.—(1)** Pursuant to Article 13(2) of Council Regulation (EEC) No.3820/85 of 20th. December 1985 on the harmonisation of certain social legislation relating to road transport <sup>F7</sup>, any time spent driving a road tanker to meet the circumstances shall not be taken into account for the purposes of Article 6(2) of that Regulation.

(2) In relation to the driving of a road tanker to meet the circumstances, that Council Regulation shall have effect as if:—

- (a) in Article 6, paragraph 1 first sentence, for “nine hours” there were substituted “ten hours” and the second sentence of that paragraph were deleted;
- (b) in Article 8, paragraph 3 first sentence, for “45 consecutive hours” there were substituted “24 consecutive hours” and the remainder of that paragraph were deleted.

**F7** O.J. No. L370, 31.12.85, p 1

**4.—(1)** Subject to paragraph (2), in relation to the operation of a road tanker to meet the circumstances—

- (a) the Road Transport (Working Time) Regulations 2005 <sup>F8</sup> shall have effect as if in regulation 4(1), “66 hours” were substituted for “60 hours”; and
- (b) time—
  - (i) which is spent driving a road tanker to meet the circumstances; and
  - (ii) which does not exceed 6 hours in a week

shall not be taken into account in calculating average working time for the purpose of regulation 4(2) of those Regulations.

(2) Paragraph (1) shall have effect in relation to the working time of a person driving a road tanker, only if, when complying with Council Regulation (EEC) No.3820/85 as given effect by regulation 3, his working time would exceed—

- (a) the maximum weekly working time prescribed by regulation 4(1) of the Road Transport (Working Time) Regulations 2005; or

- (b) the average weekly working time prescribed by regulation 4(2) of the Road Transport (Working Time) Regulations 2005.

<b>F8</b> <a href="#">S.I.2005/639</a> .
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Signed by authority of the Secretary of State for Transport

Department for Transport

*S.J. Ladyman*  
Minister of State

**Changes to legislation:** There are currently no known outstanding effects for the The Community Drivers' Hours and Working Time (Road Tankers) (Temporary Exception) Regulations 2006. (See end of Document for details)

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Article 13(2) of Council Regulation (EEC) No. 3820/85 of 20th. December 1985 on harmonisation of certain social legislation relating to road transport (“the Council Regulation”) provides that Member States may in urgent cases grant a temporary exception, for a period not exceeding 30 days, from the application of the provisions of that Regulation to transport operations carried out in exceptional circumstances.

These Regulations provide for the operation of road tankers which transport petroleum products in the exceptional circumstances arising from the fire at Buncefield fuel depot.

Until the end of 10th February 2006, any time spent driving road tankers in those exceptional circumstances, or in consequence of such exceptional circumstances, is not to be taken into account for the purposes of the application of Article 6(2) of the Council Regulation, which limits the maximum period of driving in a fortnight. In addition, Articles 6(1) and 8(3) of the Council Regulation are modified to increase the daily driving period to 10 hours and to reduce the minimum weekly rest period to 24 hours.

The Road Transport (Working Time) Regulations 2005, which apply to mobile workers to whom the Council Regulation applies, are also modified in relation road tankers to increase the maximum working time in a week, prescribed by regulation 4(1), to 66 hours and to allow up to 6 extra hours to be worked without affecting the average weekly working time. But the modification has effect only where necessary as a result driving within the modified Council Regulation.

A Regulatory Impact Assessment has not been prepared for this instrument as it has no significant impact on the costs of business.

**Changes to legislation:**

There are currently no known outstanding effects for the The Community Drivers' Hours and Working Time (Road Tankers) (Temporary Exception) Regulations 2006.